

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

KIMBERLY EDDY obo  
SHELBY EDDY,

Plaintiff,

v.

Case No. 8:21-cv-2346-TPB-SPF

KILOLO KIJAKAZI,  
Acting Commissioner of the Social  
Security Administration,

Defendant.

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**REPORT AND RECOMMENDATION**

Pursuant to sentence four of 42 U.S.C. § 405(g), Plaintiff seeks judicial review of an administrative decision denying her claim for Social Security disability Benefits (*see* Doc. 1).<sup>1</sup>

At this juncture, the Commissioner seeks entry of an order reversing and remanding the case for further administrative action. Specifically, the Commissioner asserts:

On remand by the Court, the Appeals Council will forward the case to an administrative law judge (“ALJ”), who will be instructed to: 1) to accurately re-evaluate the objective medical findings and medical source opinions including the opinion from Dr. Odocha, a treating source; 2) to reconsider Plaintiff’s residual functional capacity (RFC) and include the limitations supported by the record; and 3) to hold a supplemental hearing and obtain supplemental evidence from a vocational expert.

(Doc. 17 at 1). Plaintiff has no objection.

Upon consideration, it is hereby **RECOMMENDED**:

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<sup>1</sup> The district judge has referred this matter to the undersigned for a report and recommendation. See 28 U.S.C. § 636.

1. The Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. 17) be **GRANTED**.

2. The Commissioner's decision be **REVERSED** and the case be **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

3. The Clerk of Court be directed to enter judgment for Plaintiff and close this case.

**IT IS SO REPORTED** at Tampa, Florida on April 25, 2022.



SEAN P. FLYNN  
UNITED STATES MAGISTRATE JUDGE

**NOTICE TO PARTIES**

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. See 11th Cir. R. 3-1.